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A

SERMON

Preached in

Lent-Assizes,

Holden for the

COUNTY of BUCKS,

AT

ALESBURY.

March 8th 167$\frac{0}{1}$ being *Ash-Wednesday*.

By *AD. LITTLETON*, D.D.

Chaplain in Ordinary to his Majesty.

LONDON,

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M DC LXXI.

1735
1671
64

To my Honoured Friend, and Worthy Parishioner, *Joseph Alston*, the elder, *Esq*; at *Bradwell* in the County of *Bucks*.

Worthy Sir,

IN *compliance with your* Desires, *which, where there is Friendship, have the weight of* Commands *in them, (though there wanted not Those neither from* Mr. High-Sheriff *your Son,) I have at last ventured into the world that* Discourse, *at which, in the delivery of it, your domestick Grief having indisposed you for the Publick, you could not be present. It comes forth with this Advantage, if this be one; that 'tis somewhat larger by the Accession of many things, which time would not give leave then to Inlarge upon. If there be any further benefit or satisfaction may redound to the* Reader *from it, as it now appears, (which*

I dare not hope for) *you have a particular Right to challenge the Acknowledgment: this* Sermon *having bin begotten under your roof, conceived and born within your walls, and ſo of Due belonging to you; the Old* Law *both Sacred and Civil having ordered, that* Children born in the Houſe ſhould *be reckoned into the* Maſter's *Poſſeſſion; and it being the Uſual Courſe, which the* Municipal Law *it ſelf preſcribes, that poor Children and Wanderers be ſent back to the place of their Birth to be provided for.*

Sir, Having given you ſome ſmall account of my Obedience, *I cannot but think my ſelf obliged to acquit my ſelf alſo in ſome meaſure upon the ſcore of* Gratitude. Thanks *is the leaſt Return can be made: there will be more; the* Prayers *of our poor drooping* Pariſh-Church, *which you by your late ſeaſonable Kindneſs have put Life into. For I need not aſſure you* (*as one that are ſo well acquainted with the purport of Holy Writ, and ſtudied in Gods promiſes, which are to None more Ample, then to the liberal and* cheerful Giver) *that as* Charity *in general is the ſureſt way of putting our Wealth out of the reach of* Fortune: *ſo particularly Bounties to* Pious *and* Publick Uſes *have in ſeveral regards*

pecu-

peculiar and large Retributions *ascertained to them, both in our Temporal and Eternal concerns. If this Freedom of Mentioning, what you perhaps wish might have been Concealed, offend; I must mind you, that such Actions as these, where the very* Example *many times is as useful as the* Benefacture, *though they are not to be done to that* End, *yet our Saviour says they must be done in that* Manner, *that men may see our good works and glorifie God.*

Sir, this sorry Inscription, *whatever It is, begs your Acceptance, as a hearty, though a mean* Testimony *of those Respects, that are Due to you from Him, who is*

Sir,

Your affectionate Servant in Christ

Chelsey June 24. 1671. our great Lord and Master,

A. Littleton.

ERRATA.

PAge 5. l. 30. way, r. *may*. p. 12. l. 15. Jeſhurum, r. *Jeſhurun*. p. 15. l. 11. ye, r. *yea*. p. 24. l. 24. ſo, r. *ſaid*.

1 SAM. VII. 15. 16.

And Samuel *judged* Iſrael *all the days of his life.*

And he went from year to year in Circuit to Beth-el, *and* Gilgal, *and* Mizpeh, *and judged* Iſrael *in all thoſe places.*

THE very Notion of *Judging* implies a Law: there being ſuch a mutual connexion and relation betwixt the *Judge* and the *Law*, that they infer one another, and the denyal of one takes away the other alſo. No *Law*, no *Judge*: No *Judge* no *Law*. For how ſhall *Samuel* judge, if he have not a *Rule* laid before him, according to which judgment is to be made? and that *Rule* is the *Law*. And on the other ſide, to what purpoſe ſerves the *Law*, if there be not ſome *Perſon* authorized, who may interpret that Law, and apply it to particular caſes, and ſee it put in due and orderly execution? and that *Perſon* is the *Judge*. If then there be a *Judge*, it follows that there is a *Law* alſo, by which as he is *impowered*, ſo he is to be *directed*. We have a *Reverend Judge* before us in the *Text*, on the *Seat*. It will be neceſſary then, in order to their acting, to open their *Commiſſion* firſt (as is uſual) and

to ſhew the *Law*, by authority whereof *Samuel* and all his fellow-Judges are to *Act*.

Law is as connatural to Man, as his *Reaſon* is. For what is *Reaſon* it ſelf, but a *Law* and *Rule* of mens actions? This is that, which conſtitutes and denominates us *Men*. For he that doth not govern himſelf according to the preſcript of right *Reaſon*, lives not the life of *Man*; and conſequently doth both tranſgreſs the *Law*, and forfeit the *Priviledge*, of his *Creation*; either by ſenſuality and luſt degrading himſelf into *Beaſt*, or by envy and malice and ſpiritual wickedneſs transforming himſelf into *Devil*.

Hence out of the ſource of *Reaſon* flows the Law of Nature, *jus non ſcriptum*, the unwritten Law, or rather, as the *Apoſtle* terms it, *the Law written in every Mans heart:* his conſcience accuſing, or excuſing him, in every thing he does, according as he in his actions thwarts or complies with this Law. This is that the great *Orator* ſpeaks of, *Lex non poſita, ſed inſita; non imperata, ſed innata:* a Law not ſpeaking to us from without; but implanted in the mind of Man, and interwoven in his very conſtitution. To this *Law* belong all thoſe *Common Notions*, by which we are taught to acknowledge the *Exiſtence of God*, and to diſtinguiſh what is *Honeſt*, and *Juſt*, and *Becoming* the Nature of Man (whether Alone or in Society) and what is otherwiſe. And by this very *Law* we are inſtructed to order our behaviour, as Men, in a fair *decorum*, piouſly towards God, ſoberly towards our ſelves, and juſtly, and modeſtly, and charitably too towards other men; for even *charity* it ſelf is an act of *juſtice* (ſo the Hebrew terms it צדקה) at leaſt the doing that to others, as the *Royal Law* bids us do, which were we in their

con-

condition, we would have done to our ſelves.

To theſe Heads of *Piety* to God and *Juſtice* to Men, a learned *Rabbin*, in his diſcourſe with the King of *Cozar*, reduces all the *Laws of Nature*; grounding them upon thoſe two places of Scripture, *Deut.* 10. 12. *What does the Lord thy God require of thee, but to fear him, and to love him, and to ſerve him?* and *Mic.* 6. 8. *What doth the Lord require of thee, O man, but to do juſtly, and to love mercy, and to walk humbly with thy God?* And the ſame *Author* further tells us, that theſe החקים השכליים *Statuta Intellectualia*; (ſo he calls them, as things which natural Reaſon, and humane Underſtanding of it ſelf, without any prompting, judges fit to be obſerved) I ſay theſe laws of Nature are neceſſarily pre-required, as preparatory exerciſes, to the knowledge and performance of the *Divine Law*; as things, without which no Society can ſubſiſt; inſomuch that *Rebels* and *Thieves*, though they be unjuſt to others, yet are forced upon this principle to practice a kind of juſtice amongſt themſelves, that they may keep their party together upon fair and equitable terms.

This is the *Law of Nature* then; and truly would we live up to the direction of That, we ſhould not need any other Law. But upon the fall of man *Nature* it ſelf being univerſally (as it was) *corrupted* as well as *weakned*, and the Notions of *Original Righteouſneſs*, through prevailing wickedneſs, which has increaſed all along proportionably with mankind it ſelf, being in a manner wholly defaced and obliterated; it was neceſſary, that Law ſhould be recovered, and re-imprinted upon the memory of men, that even vulgar underſtandings ſhould have their duties plainly laid out before them:

and this to be done by *Positive Laws*; which being founded, as near as might be, upon those of *Nature*, as being the productions of *reason* and *convenience* together, might accommodate general *Rules* to particular *Instances*, according to circumstances of time and place, and the exigencies of the state of things for the security of government, and the safety of the people to be governed. This God himself provided for in the *Israelitish* Common-wealth; by prescribing them Rules not only for their *Moral* behaviour; (for these were of perpetual universal obligation to all mankind, and this was that *Law* written in the heart, before it was engraven upon stone) but for their *Civil* affairs also, and even to the very *Ceremonies* in his publick worship. The first of these, namely, the *Moral Law*, as I said, obligeth all men whatsoever; and no less, if not more, now, since *Christ* is come, then before: but as to the two latter, the *Judicial* and the *Ceremonial* Laws, God has left particular *States* and *Churches* to the liberty of their own determinations, so to order both *Political* and *Ecclesiastical* jurisdiction, as may be most expedient; provided they command nothing contrary to that law, which he himself hath given us; I mean, the *Moral Law*.

To give two or three *Instances*.

Theft is forbidden in the *eighth precept*, and by the Judicial Law was to be punished (amongst the Jews) only with a *fourfold restitution* of the thing stoln, in kind, or of the value of it. But in most *Christian States*, upon tryal or possibly mistrust, that that punishment would not prove a sufficient restraint; the penalty is altered, and the Thief dies for it: nor is any allowed to claim the benefit of the *Judicial Law*, when he breaks

breaks the *Moral*, but is juſtly ſentenced by the Law of his own *Country*; that Law having been made only for the Jews, and every Nation now being to be governed by Laws of its own.

Again, for the *Church*. The *ſeventh day* from the Creation, which is commanded in the *fourth precept* to be kept holy, was a thing *ceremonial*; but the keeping of *one day in ſeven* or ſome ſuch proportion of time, was perhaps a *Moral* duty. The *Chriſtian Church* therefore has both laid aſide the *Ceremony*, and preſerved the *Morality*, by changing the day.

On the other hand, the *Worſhip* of God is a duty the very Law of Nature requires of men in Society: Now for *Forms* and *Habits*, and the *Ceremonies* of Worſhip, (ſince God cannot be woſhipt otherwiſe, I mean, without ſome Form and Ceremony or other) theſe are to be ordered by the *Churches* appointment; and every Member of that Church (I ſpeak of a *National Church*) is obliged, unleſs he can be ſure ſuch appointments are againſt Gods Law, to obey and comply with her Orders.

But, what ſome ſay, that in *Civil* concerns indeed we are tied up to the Laws; but in *Church* affairs we are left to our own choice and liberty; is no more vain and frivolous, than 'tis abſurd and irrational. For a man may upon as good reaſon demand to faſhion the *Laws* to his own mind, by which he means to Live; as to ſhape his *Religion* to his own fancy and Intereſt: ſince he is alike accountable to the Government for both, and *ſeparations* in *Church* may prove of as dangerous a conſequence to the Publick, as *diviſions* in *State*. For he that has made himſelf his own *God*, ('tis an expreſſion of a late *Author* againſt *Atheiſm*) will by his good will

will be his own *King* too. And it may very well be ſuſpected, that thoſe who grumble at *Church-Orders*, would not, if they could help it, be very well ſatisfied with the *Civil Laws* neither, they both having their Riſe from the ſame Authority. At this paſs were things in *Iſrael*, when every man did *that which was right in his own eyes*, and then 'tis ſaid they did *that which was evil in the ſight of the Lord.* And ſo it was always, when there was *no King in Iſrael*; Wherefore to prevent ſuch *diſorders*, and to deliver them from thoſe *diſtreſſes*, their diſorders brought upon them, God often raiſed them up *Judges*, the laſt whereof was *Samuel* here, *a Prieſt* and *a Judge. And Samuel judged Iſrael* &c.

In which words conſider we him,

1. In his *ſtation* or *Reſidence*, as a *Judge* upon the *Bench*: he *judged* Iſrael *all the days of his life*; and that at *Ramah*, where his houſe was, as it follows, *v.* 17.

2. In his *Journey* and *Circuit*, as a *Juſtice* in *Eyre*: he *went from year to year in Circuit to* Bethel *and* Gilgal, *&c.*

Thus like the ſtanding and moving foot of a pair of *Compaſſes*; his *fixed* and *ſetled* judicature was at *Ramah*, and the *occaſional* exerciſe of it *from year to year* at other places alſo.

I. As to his conſtant *Reſidence*, wherein four things are to be taken notice of:

1. His Perſon; *Samuel.*
2. His Office; *to judge Iſrael.*
3. His Patent; *all the days of his Life.*
4. His Seat, out of the next verſe, *Ramah.*

1. Firſt

I. First for the *character* and qualification of the *Person*. *Samuel* was *Prophet* and *Priest* as well as *Judge*, *Right Reverend* in all his *capacities*, in all his *functions*: Nor was it any objection against him from the people, that he was a *Church-man*, and so unfit to serve his Country in a secular charge. Nor was it to him any scruple of Conscience within his own breast, that he intangled himself with *civil* affairs, or took upon him more imployments, than one man could well go thorough. 'Tis true, he was devoted by his Mother in his long coats to the Churches service; *I have lent him*, says she, *to the Lord, as long as he lives*, *Chap.* 1. *vers.* 28. and accordingly he after *Eli*'s death succeeded him in the Priesthood. Again *all Israel* (the Text tells us) *from Dan even to Bersheba knew, that Samuel was established to be a Prophet of the Lord*, *Chap.* 3. *vers.* 20. And not only so; a *Prophet* himself, but a trainer up of young Prophets, the *President* of a Colledge at *Naioth* in *Ramah*. *Chap.* 19. *vers.* 20. And here 'tis said *he judged Israel all the days of his life*. These were three such imploys, as for the *attendance* they required, could not well be managed by one Person; as for the *consequence* and high concernment of them, ought not in prudence, one would think, be intrusted with any one. Yet this consideration was so far, from either disadvantaging the publick, or disparaging any of those places, or discouraging the person that undertook them, that his Government brought great blessings to the People, and honour to himself, and glory to God. For such was his *Sanctity* and *Wisdom*, such his Ability of *Judgment* and Integrity of *Life*, such his *Prudence* and *Conduct*, such his constant *Piety* to God, and affectionate *Zeal* for publick good, such his *Favour* with

with God and his *Reputation* with the People; that in all *Israel* no three men could have been met with, singly qualified for any one of those three Trusts, as he alone was for all three. Nor did it make a little for the Peace and Unity and good order of the *Common-wealth*, that the same Person was *Supreme Governour*, both in *Church* and *State*; which else in some cases might clash, and give advantage to a factious people, one against the other. Nor it seems was this the first time, that both *Powers* thus met in one *Person*: for *Eli*, who was his immediate Predecessor in the Priesthood, had been *Judge* forty years before; nor is it unlikely, that this *civil Office* might together with the *sacred function* be devolved upon him by succession, as he was *Priest*; the *Jewish* Writers telling us, it was not unusual, that in later times the *High Priest*, if he were reputed a Wise and a Good man, was chosen into the *Sanhedrim*, and made the *Nasi*, which is as much as with us the *Lord President* of the *Supreme Court*; and in former times we find in Scriptural Language that *Cohen* signified both *Priest* and *Prince*. Nor was it for nothing that at first, before *Aarons* Family was settled, the *Priesthood* went constantly along with the *Primogeniture*; whereupon *Esau* is branded for *profane*, because he so slightly parted with his Birthright. Afterwards indeed *Moses* and *Aaron*, being Brothers, did by Divine appointment divide the Powers, the one managing the *Sword*, the other the *Keys*. Nor do we meet with any Instance, where they were joined again, till *Eli* and *Samuel*, who were *Priests* and *Judges* too: But as these, being *Priests*, had the *Supremacy* in *State* also; so from *David* downwards, the *Kings* were *Supreme Moderators* in the Church; as appears by *Davids* and *Solomons* Institutions,

ons, and by the Reformations of *Josiah*, *Hezekiah*, and the like. And this, though it may not look altogether so pertinent to this time and place, has howsoever this useful *remark*, that the *Civil Magistrate* ought not to think himself unconcerned in the Interests of the *Church*, and that since *Priests* have formerly done the office of Judges, *Judges* on the other hand may think it to be some obligation upon them to take care, as opportunity shall offer, of the Priest: that so *Church* and *State*, whose Interests have sometimes so fairly met and kindly imbraced one the other; being lodged in one and the same bosome, may ever, though asunder and intrusted into different hands, yet lovingly agree, and be friendly and helpful one to the other.

II. From the *Person* we come to treat of the *Office*, that he was *the Judge of Israel*: and of that

1. In its *Nature*.
2. In its *Power*.
3. In its *Extent*.
4. And lastly in its *Rule*.

I. First for the *nature* of it; as there can be no Judge without a Law, to authorize and direct him; for without that it might be said to him, as it was to *Moses*, before he had his Commission; *Who made thee a Prince and a Judge over us?* and our *Saviour* himself, when addressed to for dividing the Inheritance, asks the same question, though otherwise in all points qualified for the office, *Who made me a Judge?* so on the other hand, without a Judge, Law it self would be of no use: For how would Laws be executed, or publick order be preserved? Wherefore as the God of nature has provided Laws, whereby men are to be governed,

ſo he has not been wanting to inveſt ſome men, in all places and at all times, with *authority*, to ſecure thoſe Laws, and to puniſh the violations of them. He himſelf is the *ſupreme* Judge. Next under him, in every mans own breaſt, his own *Conſcience*, as Gods deputy, exerciſes ſoveraign *Rule*, calling him to the *Bar*, and arraigning him, and either acquitting or condemning him; to which end that *Faculty* is furniſhed with a kind of *Omniſcience* (which no Judge from without has, that can but Judge *Secundum allegata & probata*) ſhe, I ſay, is conſcious to all a mans thoughts as well as actions, alledges and proves all he has done or ſaid, or ſo much as deſign'd; and, as God himſelf will, not only ſits upon a man as his *Judge*, but Stands out againſt him too, as a *witneſs*.

But this inward *Reflexive Judgment* of the Soul of Man upon it ſelf, this *Home-Circuit* is not enough to do the buſineſs of *Society*. In this our corrupt State, wicked men have partly found out ways to bribe, to corrupt and debauch, this *Judge* within them, partly have arrived to that impudence and inſenſibility in ſinning, that they have hardned themſelves againſt the *ſentence*, as well as againſt the *dictates* of *conſcience*, and in the purſuit of what pleaſeth a vitious *appetite*, and a depraved *will*, neither regard the one nor the other, having by bold and frequent attempts upon conſcience worn out all that *Awe*, which naturaly every man ows to himſelf. The caſe of the generality of men ſtanding thus, it was neceſſary, that for external *polity*, whereby men are joyned together in *ſociety*, God ſhould depute other *Judges*, beſides *conſcience*, (ſince it would have been ſo dangerous to have left men barely to that) who might take care, *nè quid*

Reſp.

Resp. detrimenti capiat, to prevent miſchiefs that might befal community from diſorderly perſons, by reſtraining at leaſt the outward actions of men, and bringing them to account for them. And this he has ever done. Let us a little trace it to the *Original*. This *Judiciary power* then was at the firſt founded by God in *paternal authority*; the Father of the family having then *jus vitæ & necis*, power of life and death, and of diſpenſing other puniſhments upon thoſe of his own family, according to their demerits: as the examples of *Abraham* turning out his ſon *Iſhmael*; of *Noah* curſing *Cham*; and of *Judah* ſentencing his Daughter-in-law to be burnt, *&c.* do ſhew. One evident footſtep of this *parental power* appears, even in the *Judicial* Law, in the Caſe of the *Rebellious Son*, who was to dye with his Father's hand upon him firſt: ſo that, even upon this account, every man, that comes into the world, is born under a *natural ſubjection*. Now when mankind was multiplyed, and men were to be united into larger *ſocieties* and greater *bodies*; then all the *Families* of the kindred were to be gathered and conſolidated under ſome one head, the *Patriarch* or chief Father of all the ſeveral Families. And this power by lineal deſcent fell to the *Eldeſt* Sons; ſo that the *firſt-born* were, by prerogative of their birth, Kings and Prieſts; unleſs there happen'd a forfeiture, as it was with *Eſau*, and *Reuben*, who were therefore juſtly put by. Afterward when *kindreds* themſelves, what with the propagation of their own Families, what with the commixtion of ſtrangers, were ſo inlarged, that they became *Nations*; then the government was intruſted with *Kings*, as Gods Vicegerents. For, though there be other *Forms*, which I ſhall not now diſpute a-

gainſt, yet the *Monarchical* has this advantage at leaſt over them all, that it was the firſt, and far the moſt antient of them all; as the Hiſtorian *Juſtin* has obſerved, that *principio rerum*, at the beginning of the world, *that is*, when the world was firſt divided into *Nations*, it was governed by *Kings*. This among all other people; but then God having a ſpecial care of his own people, did not at firſt ſet up Kingly Government amongſt them, (though afterwards upon their deſire he did) but to maintain the *Theocracy*, his own Government among them, did, upon occaſion of great troubles or imminent dangers, raiſe them up *Judges*, who were tantamount to *Kings*. Nay *Moſes* himſelf gives himſelf the very Title too; *Deut.* 33. 5. where he ſays, that *Moſes was King in Jeſhurum, when the heads of the People and the Tribes of Iſrael were gathered together.* And thus *Sufetes*, which is the word for *Judge* with the *Phænicians* and *Carthaginians* their deſcendents, as well as with the *Hebrews*, is uſed by *Seneca* and others, that ſpeak of thoſe people, for the *Supreme Magiſtrate.*

2. And ſuch was *Samuels power*, here, as that of all the other *Judges* before him, differing from the *Kingly* rather in *name* then *ſubſtance*, as to the exerciſe of it. Some tell us, it was much-what like that of the *Dictators* at *Rome*, in that they were raiſed only upon *extraordinary occaſions*, and intruſted with an *arbitrary power*. 'Tis true, as the *occaſion* was *extraordinary*, ſo 'twas fit their *power* too in ſome meaſure ſhould be. But then theſe Judges of ours differed from them in this, that theſe had extraordinary aſſiſtances from God; not to ſay, that theſe having taken upon them once the Government, ſome of them, as *Eli*, *Samuel*, &c. never

ver laid it down again, nor returned back to their private condition, as they all did, but *Julius Cæsar*. By this *power* then they were instated in a *supremacy*, and were ἀνυπεύθυνοι unlimited, *unaccountable* and unappealable. They had the universal dispensation of *Justice*, an absolute right to make War and Peace, command of mens *persons* and *fortunes*, and power of *Life* and *Death*. And all other *Magistrates* and *Officers* derived their authority from them. It is the opinion of some, and those learned, that the great *Council of Seventy*, which *Moses* for his assistance set up by the advice of his Father-in-law *Jethro*, to help him in the tryal of lesser causes, usually called the *Sanhedrim*, or Συνέδριον, the *Jewish Parliament*, continued down from *Moses* without any interruption till *Herods* time; if so, then the *Judge* was *chief* over them. Besides there were *lesser Courts* too in each City, much like our *Hundred-Courts*, and *Courts-Leet*; to judge of smaller matters; who, as they received their authority from the *Supreme Court*, so might be appealed from to it. And all these inferiour *Courts* subordinate to the great *Consistory*, and that it self to the *Judge*. But I rather incline to *Grotius*, who thinks that in these times all the bands of Government were losened amidst the popular licentiousness, when every one did what they list, and that there were no *Courts* at all kept to call them to account; but that God raised these *Judges* on purpose, as well to recal the people to good order, as to deliver them from the oppression of their enemies: since the History makes it clearly out, that, at every vacancy or *interval* of Government, the people fell off a fresh into their former *disorders*, and those disorders brought new *troubles* upon them, which both occa-

occasioned the raising of a new *Judge*, to rescue them from one and t'other, from their sins, and from their foes. For so we find Judge *Samuel* in this very *Chapter* first call them together to *Mizpeh* for a Fast and Humiliation, before he venture them to Battel against the *Philistines*. However it were, these *Judges* had not their power from the people, though sometimes the peoples consent and desire too was not wanting; but immediately from God himself. And so is it proportionably with all supreme *Magistrates*. For that *Ascham*'s position is not true, that they receive their power by compact and agreement of the people; this one argument amongst many, is enough to evince; that no man in the world has power over his own Life; and consequently cannot transfer that power to another, which he has not himself. Nor has the whole *Community* together that power, since the particular persons, which make up the Community, have no such power, and the *whole* cannot have more in it, then the *parts* had to contribute to it. The *Judicatory power* then is not derived from the *people*, but from *God* himself transmitted to the *King* as *supreme*, and from him to the *Judges*, as *Ministers* of Justice sent by him: the *King* being the *fountain* of *Justice* and the *Soul* and *Life* of the *Law*.

3. And this to the whole body and every part of it, in all its concerns; which is the *extent* of this power. First over all *persons*: for so 'tis said of *Samuel*, that he gathered all *Israel* to *Mizpeh*, and there judged them. The *Church of Rome* indeed priviledgeth her *Priests* from the *civil judicature*; and there are *Others*, though seemingly of far different perswasion, that would fain have

have it believed, they are not concerned in Law, or consequently in government, upon that assertion of the *Apostles*, that *the Law is not made for* the righteous; and in another place, where he speaks of *meekness*, *temperance*, &c. that *against such there is no Law*: and I agree to them, that *if they do well*, as the same *Apostle* says, *Rom.* 13. *they need not fear*; but that upon this condition then, *eâ Lege*, if they observe the Law. For what says the Apostle elsewhere? *Do we then by faith*, (and I may say, do we then by our good works) *make void the Law? yea rather we establish it*, by performing what it commands. Further, *Innocence* it self may be impleaded, and so fall under the inquisition of the Law; and 'tis the evidence must fetch her off. The *Law* then is for clearing, and acquitting the *guiltless*, no less then for condemning *criminals*. As at a *Goal-delivery*, the *Billa vera* casts the *Prisoner*, the no-evidence of the fact sets him free.

Again, as this judicial power is over all *Persons*, so 'tis in all *Causes*, Temporal by the *Judge*, Spiritual by the *Bishop*, by each as the Kings Delegate. And *Samuel* acted in both these capacities here; so that he had the people upon a double account obliged to him, for the punishment of *crimes*, and the decision of *controversies* in both *Courts*, *Civil*, and *Ecclesiastical*, according to the sentence in *Deut.* 17. 12. where having sent them to the *Priest* and the *Judge*, he tells them, that *He that will do presumptuously, and will not harken to the Priest, or unto the Judge*; that does not stand to their award and submit to their judgment, *even that man should dye*. Of those who pretend submission to the *Judge*, but have not the same obedience for the *Priest*, and so would own but half a *Samuel*, we have spoken

ſpoken before, nor ſhall we need to repeat any thing here.

4. As, alſo we have at large in the very *entrance* of the diſcourſe treated of the *Rule*, to wit, the Law; according to which judgment is to be made; ſo that we need not have much more to ſay. The *Law* then, by which the *Judge* is to be regulated, is in the firſt place, the *Law of Nature*, which indeed is no other then the *Moral Law*; and to this all mankind ſtands obliged and accountable. Whence the *Apoſtle* tells us, that very Heathens, by the light of Nature, *know the judgment of God, that they who do ſuch things, i. e.* ſuch as are forbidden by the Law of Nature, *are worthy of death.* Let me only take notice by the way, that there are ſome, who acknowledge no ſuch thing as a *Law of Nature*; but that theſe things we call *Laws*, were invented upon emergent neceſſities or politick deſigns, and ſo are only *ex inſtituto & κατ' συνθήκην*, by inſtitution and compact; and ſo are *impoſitions* rather of the government, or but *compoſitions* at beſt, of the Subjects, with the government, then Laws. The *Poets* and ſome Ancient *Philoſophers* too, who knew not the original of mankind, make a pleaſant *ſtory* of it, that men were uſed at firſt to fall out and quarrel about their Acorns, and other ſuch proviſions, Nature could furniſh them with before the invention of Tillage; and with fiſts firſt, and then with clubs, diſputed their rights; till at laſt the ſtrongeſt, to be ſure, got the better: but then he, that was ſtrongeſt to day, by ill hap, many times, meeting with one ſtronger then he the next, was forced to reſign the booty of his laſt conqueſt. By this means being tired with theſe daily Frays, and grown weary of

of their *Club-Law*; one wiſer then the reſt perſwades them to quietneſs, and tells them, if they would agree and live civilly together, there would be enough for them all. Whereupon the *major* part of the weak ones out-voting the ſtrong, who were but few, and would have been apt to fall out among themſelves, and could not, if they had held together, made good their ſmaller party againſt a multitude in league; they were all content; and preſently *Articles* were drawn up, and *Laws* made, and *Rules of ſociety* conſented to; by which all mankind has, ever ſince, time out of mind been governed. Nor has a late (I am ſorry I cannot call him *Chriſtian Philoſopher*) mended the matter, but made it much worſe: who in his *Leviathan* ſets down that for *doctrine*; which with them paſt only for *fancy*, or at beſt but *conjecture*. According to this great *Maſter of* corrupt *reaſon*, every man is *free*, and has a *natural right* to every thing, he can make himſelf maſter of: only men for *fear* of diſturbances, and out of care of *ſelf-preſervation*, combin'd into *Societies*, or elſe over-powerd by *force*, (for here lies the Argument with him, that the longeſt ſword creates the beſt *Title*) gave up their *Liberty*, and quitting that *right*, they had by *Nature* to all things, ſubmitted to unequal terms for *peace* ſake; chuſing rather to ſit down by the loſs, and enjoy a *little* with quietneſs, then hazard their ſecurity by venturing at *all*. Hence ſprang *Propriety*; hence *Rules of Government* and *Politick Conſtitutions*, which are no longer valid, ſays that *Author*, then they have *power* to back and juſtifie them. But if it be ſo, that *Fear* and *Force* are the principles of *Society*, and the grounds of *Subjection*; then what hinders, but, when a man can ſhake

off that *Force*, or be rid of his own *apprehenſion*, he may return to his natural *Freedom*, and re-aſſume his antient *Rights?* At this rate *Wives*, *Monies*, *Eſtates*, all *properties* are expoſed as a prey to the bold; and the *Thief*, if his deſign hit, has a better claim then the *Owner*; and *Rebellion*, *Murder*, *Rapes* and *Rapines*, if attended with ſucceſs, prove *lawful* actions; and 'tis miſcarriage only makes them *Crimes*. And the main reaſon, that *Author* offers againſt theſe practices, is not becauſe they are in themſelves *unlawful*, but becauſe they are to the deſigners *unſafe*. Theſe are impious and dangerous *Tenets*. Alas! if we hold together upon no better terms then theſe, where are we? we lye hourly at the mercy of thoſe, that dare be wicked: and what incouragement would this be to wickedneſs, if men were perſwaded once, that, as they grow *proſperous* in villany, they ceaſe to be *wicked?* But I have ſhewed before, that there is no ſuch natural *Freedom*, he talks of; and that we are born *Subjects*; and conſequently, that natural *Right* he ſpeaks of, is under *reſtraints* and *limitations*. 'Tis true, God made *Man* a reaſonable Creature, and *Lord* of the reſt of the Creatures. But how? not ſo, as that any one man ſhould ingroſs the whole to himſelf, and exclude all others, his fellow-men, from a ſhare in that *dominion*. That were not *reaſonable* (that where there is an equal *right*, there ſhould not be an equal *ſhare*) and by conſequence not ſutable to the nature of *Man*. For he that made Man *reaſonable*, made him *ſociable* too. He was to Marry, to beget Children, to maintain and govern a Family, to provide for thoſe that belonged to him. His *Children* were to be obedient to him, to accept of his proviſions, to uſe their own induſtry; and, when they

they came to be Masters of Families themselves, to take the like care of them. Hence came *Proprieties*, hence *Inheritances*, hence *Purchases*, hence *Trades*, *Callings*, *Professions*, and other honest courses for getting a livelihood: Thus, we see, our first *Parent* bred up his Children, the one to be a *Husbandman*, the other to be a *Shepherd*; Intimating, that every one is by Nature to live by his own *labour*, and not by invading anothers *right*. These are the great purposes of *Society*; and all this agreeable to *Nature*, whose grand maxim 'tis, *To do as we would be done by*. There is then a *Meum & Tuum* founded in *Nature*. There are such things, as *Vertue*, *Honesty*, *Equity*, *Industry*, *Justice*, and the like to be practised amongst men, even by the *Law of Nature*: and they are to be looked upon as *Hostes Humani generis*, Enemies to *Society*, Enemies to *Nature*, that would perswade the world to the contrary.

But there are, I said, besides This of *Nature*, other *Positive* Laws, which oblige the *external actions* of men, and by which men are to be judged; and those both *Political* and *Ecclesiastical*, in the making of which, particular *Common-wealths* and *Churches* are left by Divine Wisdom to their own *Liberty*: God himself having provided nothing in that kind for us; only left us a *Model* of his own Government amongst his own people, in the *Jewish State* and *Church*; to wit, the *Judicial* and *Ceremonial* Law. As to *Church* affairs, though those *Ceremonies*, being only *Types* and *Shadows* of *Christ*, had their end and completion at his coming, and so we are obliged against them; yet, seeing God cannot be worshiped without some *ceremony*, 'tis not to be imagined, that publick *Authority* should want *power* for the ordering of *Externals* in the *worship* of

God. But as to matters of *Politie*, that frame of government, which God with his own hand ſet up, deſerves our *veneration* ſure; and *Calvin* further acknowledges, that many of thoſe *Rules* and *Methods* may by any *Chriſtian State* be ſafely *imitated*, and fairly *tranſcribed* into practice.

I ſhall not here ſtart that *queſtion*, which Sir *Thomas Moor*, once *Chancellour* of *England*, and the ornament of his *country*, in his *Utopia* doth, why we puniſh *Theft* with death, and not as the *Judicial Law* preſcribes; becauſe I have already anſwered it, and the late ſucceſs has juſtified the ſeverity.

Only having ſpoken ſo much of the *Law of Nature*, let me add one word (I beg the *Lawyers* pardon, if I ſpeak *in alieno foro*) concerning our *Municipal* or *Common Law*; (neither *Law* nor *Prayer* is ere a whit the worſe, for being *Common*) that there is not any *Law* extant, either in *Books* or *Practice*, which comes ſo near the *Jus Naturale*, as *Ours* does; being a kind of unwritten *Law*, grounded upon *Cuſtom*, and built up by long *experience* of its *Uſefulneſs* and *Convenience*, having been long before the *Conquerours* time, (who only put it into a *French* dreſs and livery, as a *cognizance* of his conqueſt) practiſed here, among the *Saxons*, and, as 'tis more then probable, among the antient *Britans* too, whoſe *Druids*, as they were learned men, ſo were able *Lawyers*, yet would never commit any thing to writing.

I have done with the *Office*: a word or two of his *Patent* and *Reſidence*.

III. His *Patent* was ſigned for him *durante vitâ*, he was a Judge *all the days of his life*: nor was his *Judiciary* power extinguiſhed or ſuperſeded by the ſuper-induction

induction of the *Regal*, as may appear by his giving Orders to *Saul*, and his calling him to account for his neglect, and his hewing *Agag* in *Gilgal*; so that *Saul* one might think were till *Samuels* death only the *General*, *administer belli*, to execute the orders of War. Yet Saint *Paul* having said, that God had given the Jews *Judges* for about the space of 450 years, till *Samuel* the Prophet; adds that then he gave them King *Saul* 40 years; in which account he includes *Samuels* time too. Wherefore some thus explain it, *all the days of his Life*, from *Eli's* death, till *Saul's* being made King. One of the *Rabbins* asks how this could be, how he could be Judge *all the days of his life*; and answers himself (as that sort of people are full of fancy and confidence) that *Samuel* while he was כמע אמי *in his mothers belly*, was made a *Judge*, and chosen into the *Sanhedrim*. However he was the last of this Order of the *Judges*, and the power expired with him; *his* Sons having been as faulty in *State*, as *Eli's* had been in the *Church*, as corrupt *Judges*, as they were scandalous *Priests*: wherefore as the lewdness of *Hophni* and *Phineas* turned old *Eli's* Family out of the *Priesthood*, so *Samuel's* Sons by their misdemeanours, outed themselves out of the *Civil Government*.

IV. *Lastly*, His constant *Residence* was *Ramah*, a City of *Benjamin*, where his house was, and where his Father and Mother had dwelt before. Here he built an *Altar* for publick worship, which the *Jewish Masters* tell us, was lawful even for any private man to do at that time, when the Tabernacle at *Shiloh* was pulled down, and destroyed after the taking of the Ark. Once we read, that, when *David* came to him from Court, they went and dwelt together at *Naioth*, which

was

was hard by; I ſuppoſe, for more privacy in his College there. And here at laſt he laid his bones. *Ramah* was his Dwelling, his Retirement, his Seat of Juſtice, his Sepulchre. Hither, as long as he liv'd, all the people of *Iſrael* came up for Juſtice; for it was a place of *high* ſituation, the name imports. For though there might be *Inferiour Courts* in other Cities, at leaſt deputations elſewhere: yet here was the *ſupreme Court* of *Appeals*, which afterwards in *David*'s time was tranſlated to *Jeruſalem*, *Pſal.* 122. *Thither the Tribes go up; for there are the ſeats of Judgment, ſeats of the houſe of* David.

And now 'tis time for me to leave *Ramah*, and ſet my face towards *Bethel* and *Gilgal*, and *Mizpeh*, where I muſt, having ſo little time left me, make but a ſhort *Circuit*; where *firſt* we ſhall take a view of the *Places*, and *then* conſider the neceſſity and reaſons of this *Itinerant Juſtice*.

I. The *Places*, where *Samuel* kept his *Aſſizes*, were eminent and remarkable in ſtory; large *Shire-Towns*, yet at no great diſtance neither from one another, lying in as narrow a compaſs perhaps as this *County*, we are now in. Indeed whole *Jewry* was no large piece of ground, being, (as I am told by one that undertakes to correct *Adrichomius*) no more then ſeventy miles long, where 'tis longeſt, and but eighteen over in breadth; yet very populous it was, becauſe very fruitful.

1. *Beth-el* a City of *Benjamin*. Here *Jacob* ſaw the viſion of the Ladder, gave it its name, *the Houſe of God*, and ſet up a Pillar; at his return was himſelf here named *Iſrael*, and built an Altar. Here the *Ark* of the *Covenant* was, before it was removed to *Shiloh*, and *Phineas*, *Eleazar*'s ſon, ſtood before it.

2. *Gilgal*

2. *Gilgal* a City in the plains of *Jericho*, belonging to *Ephraim*. Here the children of *Israel* were circumciſed, having neglected that Sacrament ever ſince their coming out of *Egypt*; and therefore 'twas called *Gilgal*, becauſe the Lord that day *rolled away* the reproach of *Egypt* from off them. Here the twelve Stones after their paſſage over *Jordan* were pitched. Here *Samuel* hewed *Agag* in pieces before the Lord, becauſe *Saul* had forborn the execution.

3. *Mizpeh* a City of *Judah*, in the valley, as we read *Joſh.* 15. but in the 18. 'tis reckoned among the Cities of *Benjamin*, with *Ramah*, and *Bethel*. 'Tis likely it might ſtand in the confines of both Tribes. It was, I take it, *Laban*'s heap of ſtones, which he and *Jacob* had raiſed, and called *Mizpah*; that is, a *Beacon* or *Watch-Tower*, ſaying, *the Lord watch between thee and me*. Here was the *Iſraelites* conſtant *Rendezvous*. Here they encamped againſt the *Ammonites*, when *Jephtha* was their Leader. Here they all gathered together unto the Lord againſt the *Benjamites*. Here laſtly at the 6 *verſe* of this *Chap.* all *Iſrael* was by *Samuel*'s order ſummoned to appear; and kept a *Faſt*, and powr'd out *water* before the Lord, *that is*, tears of repentance, as *Grotius* underſtands it; and *Samuel* Judged them here, that is, puniſhed them for their iniquities, and offered up a burnt-offering: and then miraculouſly the *Philiſtines* were diſcomfited.

There were reaſons then ſufficient, both *Politick* and *Religious*, for *Samuel* to make choice of theſe places, that were thus *Innobled* and *Conſecrated* by ſuch *Famous* and *Sacred* actions, for his *ſeat of Juſtice*; whence the Lxx render it, ἐν πάσι τοῖς ἡγιασμένοις τόποις, *in all theſe* holy *ſanctified* places. And that we may not paſs them without ſome

ſome Obſervation, Our *Reverend Judges*, though they go not the ſame *Stages* with *Samuel*, they go upon the ſame *Deſigns*. They begin at *Bethel*, the Church, *the houſe of God*, where judgment uſes, and ought to begin, there to enquire of the Lord. They proceed to *Gilgal*, to *roll away* the reproach of the Countries by puniſhing malefactors; and to *Mizpeh*, to inquire into miſdemeanours, and ſee what condition the Publick is in. For ſo they are ſtyled in Law, *Juſtitiarii deambulantes & perluſtrantes*, Juſtices that take a walk, and make a view of the Countries. And at this time I may ſay we are moſt properly met in *Mizpeh*, upon a day appointed by the *Church* for *Humiliation*, to pour out our *water* before the Lord, and to bewail our own ſins, and the ſins of the Nation, as the *Iſraelites* did firſt, and then *Samuel* judged them.

II. As to the neceſſity of this *Juſtice in Circuit*, (though *Samuel*'s may be called an *Epiſcopal Viſitation* too, he being the *High-Prieſt*) It is, that Juſtice may like the *Sun*, the great Miniſter of Nature, Viſit all places, and Influence all parts of the Nation with light, and heat, and vigour: it being as impoſſible the Commonwealth ſhould ſubſiſt one day without *Juſtice*, as the lower world be maintained without the *Sun*. 'Tis ſaid here; he rode Circuit *from year to year*; but *Joſephus* tells us, (and I know not, whether the *Hebrew* may not well bear that interpretation) that he did it δὶς τῦ ἔτους, *twice a year*, as Ours do.

The Cauſes of this *perambulation* I take to be four; *two* in reſpect of the *People*, and *two* in reſpect of the *Tryals*.

1. For

1. For the *People.* 'Tis for their *Ease*; that they are not put to the trouble and charge of bringing up their causes to *Ramah*, to the higher Tribunal, the *Kings Bench*; but have them tryed *in propriis comitatibus.*

2. It throws an *Awe* upon the Community, when they see justice brought home to their own doors. *Darius* was wont to complain, his Empire was like a raw Bull-hide; tread it down in one place, it would rise up in another: but where *Justice* is sent into all parts of the Land at the same time, and *judgment* is alike administred in every district, all is easily kept in order.

Again as to the *Causes* to be *tryed.*

1. Some are such, as cannot handsomly be judged, but *upon the place*; for the convenience of *Witnesses*, the circumstances of the *Thing*, and the judgment of the *Vicinage*: as 'tis in the Court of *Nisi prius*'s for matters of *Fact.*

2. Others admit not of delay; as great and horrible offences, to be inquired into and punished, *flagrante Crimine* out of hand. Thus God himself came down to *Babel*, to *Sodom* and *Gomorrha*, as it were upon a *Commission of Oyer and Terminer.* And this expedition of Justice, and *ousting* of delays, is given as the main reason of *Itinerant* Justice; *ad celerem justitiam in eâ parte exhibendam.*

I come now to *Application*, and let not *Me* do't neither, but let *Samuel* himself: yet not as a *Judge* to give the *Charge* here, but as a *Prophet* and a *Priest*, in humble manner to address himself.

First to *my Lord* the *Judge.* You are now at *Bethel*, in the *house of God*; may *God* direct you. The *Judgment*

is *His*. Your *Perſons*, your *Functions* are ſacred: You your ſelves in Scripture Language are ſtiled Gods, *Elohim*. *God ſtandeth in the Congregation of the Gods*. The *Confidence*, the *Law* repoſes in you, is as great, as the *Truſt*, ſhe hath diſpoſed to you: and That's no leſs then the *Lives* and *Fortunes* of all her *Subjects*. *De Fide & Officio Judicis non recipitur Quæſtio*, is one of her known Maxims. A Judge is *viva Lex*, a living Law; and ought to be like the *Law*,

Without *Paſſion*,
Without *Partiality*.

Next to you, the Worſhipful, the *Juſtices* and *Gentry* of the Country; who are intruſted with the *Peace*, and one way or other, what by Authority, what by Example, with the Concerns of the *Government*, that you would make it your buſineſs to encourage and cheriſh *Moral Honeſty* and *Truth* in dealings among the People; and to diſcover and defeat all knaviſh and falſe *practices*, which pervert the purpoſes of *government*, and cut the very Sinews and Ligaments of *Society*, (which conſiſts in a mutual confidence) by bringing men into a general *diſtruſt* and *jealouſie* of one another. The Learned *Jew*, I ſpoke of before, in his Book, called *Cozri*, ingenuouſly confeſſes, that it was upon this, that God was ſo highly diſpleaſed with the *Iſraelites*, that they reſted themſelves upon their *Religious Services*, their *Oblations* and *Sacrifices*, and other parts and acts of Gods Worſhip; whereas in the mean time they wholly neglected the *Laws* of *Nature*, and the *Rules* of *Society*: the neglect whereof does by inevitable conſequence tend to the diſſolution of the *Communities* of Men; it being a vain pretence, any man makes to *Religion* and the *Worſhip* of God, who wilfully breaks

breaks thoſe *Obligations* and *Ties*, by which he ſtands bound to *God* and *Man*, upon the very account of *Nature*. I wiſh this were well conſidered by Thoſe, who make a great pudder about *Religion*; and yet are not at all ſcrupulous of *publick danger*; and I heartily pray, that common *Honeſty*, and good *Morality*, that *Truth* and *Juſtice*, and a due *Obedience* to Authority, which are the beſt and only preſervatives of *Kingdom* and *Religion* both, may more vigorouſly and conſtantly, more Conſcientiouſly and Univerſally be practiſed amongſt us. Till this be done, we have but ſmall hopes of ſeeing either *Church* or *State* in a flouriſhing condition.

To you the Worthy *Counſellors* and other *Practiſers* of *Law*. You are all in your Spheres under our Reverend *Samuels*, Miniſters of *State* too. Your Imployment is Publick, your Profeſſion Noble. Shall I tell you the end of the *Law*? I need not. I cannot do it better, then in the words of a Worthy *Author* of your own in a moſt excellent *Preface* he has to Chancellor *Elleſmere* before his Book of *Reports*. It is, he tells you, to *Comfort ſuch as are Grieved, to Counſel ſuch as are Perplexed, to Relieve ſuch as are Circumvented, to Prevent the Ruin of the Improvident, to Save the Innocent, to Support the Impotent, to Take the Prey out of the mouth of the Oppreſſor, to Protect the Orphan, the Widow and the Stranger*. 'Tis ſad, when any *Noble Faculty* (as yours is) deſigned for the Good of Mankind, is made to ſerve the *Practicioners* private Advantage, more then the Benefit of *Society*.

To you, the *Plaintiffs* and *Parties* concerned; that you would ſtudy to be quiet, not to trouble *Law* with every trifle. I know the Apoſtle 1. *Cor.* vi. ſpeaks of *Heathen* Judicatures, that he would not have *Chriſtians*

repair to for Justice. I know the Law in it self and its own purposes is good, and was appointed to determine *controversies*, and to put an end to *differences*: But 'tis such *Differences*, as cannot be otherwise ended. To bring every small matter before the *Judge*, that might have been taken up at home, is to abuse *Law* and *Gospel* both, as being a great disturbance to *Government*, and as great a breach of *Christian Charity*. The *Apostles* reproof, I am afraid, may be applyed to too too many, in the 7th *ver.* of that *Chap.* *There is utterly a fault among you, because you go to Law with one another. Why do you not rather take wrong? Why do you not rather suffer your selves to be defrauded? Nay you do wrong, and defraud, and that your brethren.* There are some, it seems, who, as we use to say, will neither do right, nor take wrong.

In the *last* place, to you, *Witnesses*, that you set the God of *Truth* before you, and assure your selves, that your souls will go along with your *depositions*. He that attests a falshood knowingly, wounds God in his dearest *Attribute*; and where he does not *know*, he ought not to *say*. Especially you *Jurors*, remember you are *sworn* men. It must be a *Verdict*, a true saying upon your Oaths, you are to give in. It is a shame to consider, how cheap *Oaths* are grown amongst us; how the reputation of *English Faith* and honesty is lost in this point. *An Oath*, the Author to the *Hebrews* says, *is the end of all controversie*. Justice cannot be effected, nor Government secured without it. There are *two* sorts of men peccant upon this account. Let me beg the favour of your patience, to speak a word with both of them.

1. Those

1. Those that *refuse* to take *Oaths* at all.
2. Those that will *take* them hand over head, and not care how nor what they *swear*.

1. There is a sort of men, that will not take *Oaths*. I have a charity for them, but I wish it be not upon this ground, because they have formerly *broken* their *Oaths*, or because they are resolved afore-hand not to *keep* them, that they will not take them now. Let me tell them, this stubborn *refusal*, if so, is in it self *interpretative perjury*; for they are *born-subjects*, whether they *swear* or no. But we will suppose it is out of *Conscience* of an *Oath*, as 'tis an *Oath*. They *object* that *Christ* and his Apostle *James* have expressly forbidden it; *Swear not at all*, say they. Right: but examine the *Context*; it stands thus. *It hath been said by them of old time; Thou shalt not forswear thy self. But I say unto you; swear not at all.*

First then from the *opposition*, I ask them, whether *Christ* in this place has cancelled that *Prohibition* of *forswearing* ones self, or no: for so the *opposition* stands; *It has been said, thou shalt not forswear thy self. But I say, swear not at all.* If they say he has; there will follow this absurdity, that *Christ*, though he bids us *not swear at all*, yet he allows us to *forswear* our selves. But this *prohibition* without doubt stands good still; for 'tis brought in with the same form of words, as the 6th and 7th *Commandments* are, *Ye have heard, that it was said by them of old time; Thou shalt not kill; Thou shalt not commit Adultery*: and I hope, they will not say, *Christ* has repeal'd those commandments. If the *prohibition* then stand good, it follows that if a man must not forswear himself, he may lawfully *swear*; for else how can he possibly *forswear* himself? And it were a foolish

fooliſh, idle impertinent *precept*, which forbids a ſin that 'tis impoſſible for a man to commit; to forbid *perjury*, and not allow an *Oath*.

2. From the particular inſtances, *Swear not at all, neither by Heaven, nor by the Earth, nor by* Jeruſalem, *nor by thy Head.* It is evident, our *Saviour* meant only frivolous *Oaths*, by any of the Creatures, or by any other thing then God: and ſo Saint *James* enlarges it; for leaving out *Jeruſalem*, and ones *head*, he adds *nor any other Oath*, that is, as it muſt be underſtood, any other ſuch *Oath*; and this is further confirm'd by the *reaſon* given to each *inſtance*, which refers not to the *act* of *ſwearing*, as it ſhould have done, had *Chriſt* intended, as they ſay: but to the *nature* of the *thing* ſworn by. Not by *Heaven*, for it is *Gods Throne*; not by the *Earth*, for it is his *Foot-ſtool*; not by *Jeruſalem*, for it is *the City of the great King*; not by thy *head*, becauſe *thou canſt not make one hair white or black.* And ſo as Saint *James*, not by *any other thing. q.d.* Theſe, and the like, are all Gods Creatures, and therefore *ſwearing* being a *Religious* act, they are not to be *ſworn* by. Now in that he forbids *ſwearing by Heaven* and *Earth*, &c. becauſe Creatures; can we therefore infer we may not upon juſt cauſe *ſwear by God* himſelf, the Creator? Rather it follows that, ſeeing we are forbidden to *ſwear* by theſe things, becauſe *Creatures*; therefore we may, and muſt, when there is occaſion, *ſwear by God.*

3. From our *Saviours* deſign. We muſt obſerve Chriſt's ſcope and purpoſe in all that 5. *Chap.* of Saint *Mat.* It was to clear and vindicate the *Moral Law*, from thoſe abuſes and corruptions, which the Phariſees falſe *Gloſſes* had put upon it. This appears by thoſe other *two.* They held, ſo a man did not *kill* his brother, it

was

was well enough; he might be *angry* with him, he might call him *Fool*, and not be guilty of the breach of that command; ſo he did not actually *lye with* a woman, he might *look on* her, and *luſt after* her, without any offence. Our *Saviour* contrariwiſe condemns *Murther* in the *Heart*, and *Adultery* in the *Eye*. So here the *Phariſees* Tenet was, that ſo a man did not *forſwear* himſelf, did not ſwear *falſely*, he might ſwear, as he pleaſed, and by what he pleaſed; as *idly* as he would. Wherefore 'tis only ſuch *idle*, impertinent, unneceſſary *ſwearing* that is here forbidden, as well as ſwearing *falſe*.

4. From the *cloſe* or latter oppoſition; *Swear not at all*; *But let your Communication be yea, yea; nay, nay.* 'Tis plain that ſwearing is here forbidden, only in ordinary diſcourſe, in our *Communication*, not upon extraordinary occaſion before the *Magiſtrate*; or in a place of *Judicature*, where an *Oath* is to be the end of ſtrife.

5. *Laſtly*, (and I will leave it with them) from Saint *James* himſelf; *Yea, Yea; Nay, Nay.* Where will they find that *Chriſt* himſelf and his *Apoſtles*, or any of the New Teſtament *Saints* uſed theſe forms of ſpeech, ſo as they do even to a ridiculous ſuperſtition. What do you think of St. *Paul*, who in his *Epiſtles*, which are reckoned familiar diſcourſes, where he is to vouch any weighty *Truth*, fears not to uſe ſuch *forms* as theſe, *Before God I lye not*; *I proteſt by your rejoycing*, and the like. Would he, do you think, had he been called into a Chriſtian *Court*, ſolemnly to bear witneſs to the *Truth*, have ſcrupled an *Oath*? would he have anſwered to an Interrogatory *Yea* or *Nay*? No; that was not the meaning. Saint *James* will tell them, what *Chriſt* meant. *Swear not at all*, ſays he, *but let your Yea, be Yea, and your Nay, Nay. i. e.* in your converſation be honeſt men, and ſtand to your word,

in

in your dealings, in your assertions, in your promises; let your word be your word, your *yea, yea*; and your *nay, nay*; and then you need not *swear*: your *word* will be taken without an *Oath*. For 'tis commonly seen, that those find least *credit*, who bind all they say with *Oaths*; and that those, who *swear* most, are least believed.

And this brings us to Those, who make light of *Oaths*; are very ready to *take* them, and more ready to *break* them. But such must know, that the violation of an *Oath*, is the highest violation of *Conscience* that can be; and that God is *Witness* and *Judge* both; and that 'tis dangerous to call him to be *Witness* of a lye, who will be sure to be an *Avenger* of it; and that though *Perjury* perhaps is got into that practice, that it has lost the *Infamy*, which does of right belong to it amongst men, yet it will not miss of divine *Vengeance* even in this life; that 'tis the boldest affront can be offered to Gods *Omniscience*, to his *Veracity*, to his *Justice*, to his *Wisdom*, to his *Power*, to intitle him to falshood, and cover it with his holy and blessed Name; and that though they may elude a *Humane Judicature*, and escape in *this* life, yet in the *next*, when they appear, as we all must before the *judgment seat of God*, their injured *consciences* will stand out, and witness, and draw up large declarations against them to their eternal confusion, and condemnation.

Now may God the righteous Judge *of all the Earth, so direct you all, in what you go about, that* you *may have the* Blessing, *that the* Country *may have the* Benefit, *and that* God *himself may have the* Glory. *Amen.*

FINIS.

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